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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND BRANCH

UNITED STATES OF AMERICA,

Plaintiff,

v.

BURTON ORVILLE BENSON, and  
ERIC BURTON BENSON,

Defendants.

No. CR 12-00480 YGR

STIPULATION AND ~~PROPOSED~~  
ORDER TO EXCLUDE TIME FROM  
APRIL 5 TO MAY 2, 2013

The above-captioned matter is currently set for settlement conference before the Honorable D. Lowell Jensen on April 23, 2013, and again for status before the Court on May 2, 2013. The parties are in plea negotiations and hopeful that a mutually acceptable resolution can be reached with the help of a settlement conference. The parties nevertheless are continuing to prepare for trial, and the defense is in the process of obtaining forensic images of the computer evidence seized during the government's investigation. Because the type of hard drives initially provided by the defense made the

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process of creating a forensic image more difficult, the parties have agreed that the government will provide forensic copies of the digital evidence to a commercial copier for copying by the defense in whatever format they desire. This process will take several weeks and once completed, the defense will need to review the six terabytes of data. The amount of digital evidence is voluminous, and the parties stipulate and agree that time is excludable under the Speedy Trial Act from April 5, 2013, to May 2, 2013, to allow the defense to review the digital evidence and otherwise effectively prepare for trial. The parties further stipulate that time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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1 This continuance will allow the reasonable time necessary for effective preparation  
2 and for continuity of counsel taking into account the exercise of due diligence. As such,  
3 the parties respectfully request that the time between April 5, 2013, and May 2, 2013, be  
4 excluded under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

5 SO STIPULATED.

6  
7 Dated: April 5, 2013

8 /s/  
KESLIE STEWART  
9 Assistant United States Attorney

10 Dated: April 5, 2013

11 /s/  
ISMAEL RAMSEY  
12 Counsel to Defendant Burton Benson

13 Dated: April 5, 2013

14 /s/  
WILLIAM KIMBALL  
15 Counsel to Defendant Eric Benson

16 **ORDER**

17 Based on the reasons provided in the stipulation of the parties above, the Court  
18 hereby FINDS that for adequate preparation of the case by all parties, and in the interest  
19 of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time  
20 is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY  
21 ORDERED THAT time is excluded from April 5, 2013 to May 2, 2013.

22  
23 **IT IS SO ORDERED.**

24 DATED: April 9, 2013

25   
YVONNE GONZALEZ ROGERS  
26 United States District Judge  
27  
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